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[10746/40]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Susumu KONDO et al. Confirmation No.: 9686

Serial No. : 10/775,806

Filed : February 9, 2004

For : SEMICONDUCTOR OPTICAL DEVICE AND  
THE FABRICATION METHOD

Art Unit : 2829

Examiner : Asok K. Sarkar

Customer No. : 26646

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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AARON C. DEDITCH  
(33,865)

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

SIR:

In the Office Action mailed on December 7, 2004 (the two-month response date for which is February 7, 2005, as extended by the accompanying Transmittal and Petition to Extend), the Examiner required restriction/election as follow:

Restriction was required as between "Group I" of claims 7 to 10 and "Group II" of claim 11.

Accordingly, Applicants elect without traverse Group I, which includes claims 7 to 10, according to the Office Action.

Applicants respectfully request an early and favorable action on the merits.

Respectfully submitted,  
KENYON & KENYON

Dated:

By:

Aaron C. Deditch  
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